13th December 1938]

* THE HON. DR. T. S. S. RAJAN :—" Sir, there is apparently a misapprehension in the mind of Mr. Venkataswami Nayudu with regard to this legislation. Legislation relating to the prevention of adulteration of imported drugs, can be undertaken only by the Central Legislature: the Madras Government cannot legislate on the matter of excise duty, etc., which is under the jurisdiction of the Central Government. Therefore, it is necessary that the Central Legislature should pass this legislation.

" With regard to the fear of my hon. friend, Mr. Rangaswami Ayyangar, there is absolutely nothing to be afraid of. The Central Legislature is expected to pass a uniform measure which will apply to all the Provincial Governments, not only to this Province but also to other Provinces. Even if such a legislation is passed, it is open to this Legislature either to repeal that legislation or amend it if necessary; we have inherent powers to do so. Therefore, his fear is absolutely unfounded. If we allow the Central Legislature to pass this legislation and if we find it defective or unsuitable or adverse to our interests, it is open to us to say that we do not want that legislation. We have got inherent powers to amend it, if any amendment is necessary. Neither of the two objections raised need be taken notice of seriously, because they are not really objections."

The resolution was put and carried.

VI.—MOTION *RE* AMENDMENT TO SCHEDULE IV TO THE MADRAS CITY MUNICIPAL ACT, 1919.

THE HON. SRI B. GOPALA REDDI :—" Sir, I move— 4-15 p.m.

'*That the following draft of certain rules proposed to be made by the Government of Madras under sub-section* (3) *of section* 347 *of the Madras City Municipal Act*, 1919, (*Madras Act IV of* 1919), *altering Schedule IV to that Act be approved.*

'*The rules hereby made shall be deemed to have come into force with effect on and from the* 1st *April* 1938.

Draft Rules.

' (1) *To rule* 2 *of the said rules, the following provisos shall be added, namely*:—

" *Provided that in every case where there is an enhancement in the assessment the commissioner shall also cause intimation thereof to be given by a special notice to be served on the owner or occupier of the property concerned*:

" *Provided further that in every case where a special notice is required to be served on the owner or occupier under*

the first proviso, the period of thirty days and fifteen days referred to in clause (*b*) *shall be calculated from the date of service of such special notice.*"

' (2) *In sub-rule* (1) *of rule* 6-*A of the said Schedule, the following words shall be added at the end, namely:*—

" *or, in a case where a special notice is required to be served on the owner or occupier of the property under the first proviso to that rule, on the first day of the half-year following that in which such special notice is served on the owner or occupier of the property.*" '

" Sir, by this we are only restoring the position that was in vogue before 1936. This proviso was in the City Municipal Act prior to 1936 and by some reason or other it was omitted in the amending Act of 1936. On the request of the Corporation of Madras itself we are moving for the inclusion of this proviso. Now, what happens is that whenever there is an enhancement in assessment, the practice is that it is announced in the papers and the actual owner or occupier of the property takes note of it from the announcement in the newspapers and pays the enhanced rate. According to this amendment we seek to ask the commissioner that wherever there is an enhancement in the property tax, he should give notice to the occupier or owner of the property so that if he wants he can prefer an appeal in time to the commissioner. I therefore request that the amendment be approved."

The motion was put and carried.

VII.—RULES UNDER SUB-SECTION (2) OF SECTION 74-A OF THE MADRAS LOCAL BOARDS ACT RELATING TO MADRAS LOCAL FUND ASSISTANT ENGINEERS SERVICE.

THE HON. SRI B. GOPALA REDDI:—" Sir, I move—

' *That the draft rules* [a] *proposed to be made by the Government of Madras under sub-section* (2) *of section* 74-*A of The Madras Local Boards Act,* 1920 (*Madras Act XIV of* 1920), *be approved.*'

" As these rules run over five or six printed pages, I hope I need not read them, because they have been before hon. Members for a long time. (Rao Bahadur N. R. Samiappa Mudaliyar: 'Only for a number of days and not for a long time.') It has been circulated within the prescribed period and so it is a sufficiently long time.

" I may say, Sir, that there has been a clamour for a long time that we should provincialize the service of assistant engineers of local boards and even as early as 1919 it was thought that

[a] Printed as Appendix VII on pages 181–190 infra.